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| UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY | |
| Robertson, Anschutz & Schneid, PL 6409 Congress Ave., Suite 100 Boca Raton, FL 33487 Telephone Number 561-241-6901 Attorneys For Secured Creditor Miriam J. Rosenblatt, Esq. (MR - 7505) | |
| In Re: James Walter Lucas and Barbara Jean Lucas Debtors. | |

**OBJECTION TO DEBTORS' MOTION FOR ENTRY OF AN ORDER AUTHORIZING
THE INTERIM AND FINAL USE OF CASH COLLATERAL**

COMES NOW, Ocwen Loan Servicing, LLC, as Servicer for Deutsche Bank National Trust Company, as Trustee for the Registered Holders of CBA Commercial Assets, Small Balance Commercial Mortgage Pass-Through Certificates, Series 2007-1 (the "Secured Creditor"), by and through its undersigned counsel, and submits this Objection to the Debtors' Motion for Entry of an Order Authorizing the Interim and Final Use of Cash Collateral (the "Debtors' Motion"), and respectfully states as follows:

1. On November 6, 2006, the debtors executed and delivered a certain promissory Note ("Note") and a certain Mortgage ("Mortgage"), encumbering real property located at 376 Avon Avenue, Newark, NJ 07108 (the "Property"), securing payment of the Note in the principal amount of \$181,600.00 to Popular Financial Services, LLC. The Mortgage was duly recorded on November 9, 2006 in Book 11621 at Page 835 of the Public Records of Essex County, New Jersey. The Mortgage was subsequently transferred and assigned to the Secured Creditor.

2. On November 28, 2016 (the “Petition Date”), the debtors, James Walter Lucas and Barbara Jean Lucas (collectively, the “Debtors”), filed a voluntary petition pursuant to Chapter 13 of Title 11 of the United States Code (the “Bankruptcy Code”).

3. On February 23, 2017, the Secured Creditor filed a motion for relief from the automatic stay under § 362(d) of the Bankruptcy Code [*Doc. 39*] (the “Motion for Relief”). The cause set forth in the Motion for Relief includes the Debtors’ default under the terms of the aforementioned Note and Mortgage, which were in default as of August 1, 2010. Based upon the Debtors’ failure to make payments as due, the Secured Creditor obtained a foreclosure judgment in state court on January 12, 2016, in the amount of \$310,912.21, plus costs, interests and fees. An auction sale was pending prior to the Petition Date. In addition, prior to the filing of this case, the Debtor filed two prior bankruptcy cases, which were dismissed (2:14-bk-32750 and 2:16-bk-18507).

4. On June 9, 2017, this case was converted to Chapter 11 of the Bankruptcy Code.

5. The Motion for Relief is currently pending and is scheduled to be heard on the same date as the Debtor’s Motion.

6. The Debtors’ Motion acknowledges that the Secured Creditor in connection with the Mortgage has an assignment of rents with respect to the Property. (Debtors’ Motion, ¶ 19).

7. The Secured Creditor does not consent to the use of cash collateral, under Rule 4001(b) of the Federal Rules of Bankruptcy Procedure. Furthermore, the Debtors have failed to provide: (i) a full accounting with respect to the source and disposition of all rental income received with respect to the Property from the Petition Date through the present; (ii) a specific breakdown with respect to the projected rental income and proposed expenses to be paid with respect to the Property; and (iii) a breakdown of the available funds to be paid to the Secured Creditor as

adequate protection payments.

8. Pursuant to D.N.J. LBR 9013-1(a)(3), no brief or memorandum of law is necessary as the facts stated do not give rise to extraordinary or unusual issues requiring further legal explanation.

WHEREFORE, Secured Creditor, prays this Honorable Court enter an order denying the Debtors' Motion, and for any such further relief as this Honorable Court deems just and appropriate.

Dated: June 26, 2017

Robertson, Anschutz & Schneid, PL
Attorneys for Secured Creditor
6409 Congress Ave., Suite 100
Boca Raton, FL 33487
Telephone Number 561-241-6901

By: /s/Miriam J. Rosenblatt
Miriam J. Rosenblatt, Esq.
New Jersey Bar No. MR - 7505

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| UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY | |
| Robertson, Anschutz & Schneid, PL 6409 Congress Ave., Suite 100 Boca Raton, FL 33487 Telephone Number 561-241-6901 Attorneys For Secured Creditor Miriam J. Rosenblatt, Esq. (MR - 7505) | Case No.: 16-32586-VFP Chapter 11 Hearing Date: June 29,2017 at 10:00 a.m. Judge: Vincent F. Papalia |
| In Re: James Walter Lucas and Barbara Jean Lucas Debtors. | |

CERTIFICATION OF SERVICE

1. I, Miriam J. Rosenblatt, represent Ocwen Loan Servicing, LLC as Servicer for Deutsche Bank National Trust Company, as Trustee for the Registered Holders of CBA Commercial Assets, Small Balance Commercial Mortgage Pass-Through Certificates, Series 2007-1.
2. On June 26, 2017, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below:

OBJECTION TO DEBTORS' MOTION FOR ENTRY OF AN ORDER
AUTHORIZING THE INTERIM AND FINAL USE OF CASH COLLATERAL
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: June 26, 2017

Robertson, Anschutz & Schneid, PL
Attorneys for Secured Creditor
6409 Congress Ave., Suite 100
Boca Raton, FL 33487
Telephone Number 561-241-6901

By: /s/Miriam J. Rosenblatt
Miriam J. Rosenblatt, Esq.
New Jersey Bar No. MR - 7505

| <u>Name and Address of Party Served</u> | <u>Relationship of Party to the Case</u> | <u>Mode of Service</u> |
|---|---|--|
| Scott J. Goldstein, Esq. Law Offices of Scott J. Goldstein, LLC 280 Wet Main Street Denville, NJ 07834 | Attorney for Debtors | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*) _____ |
| James Walter Lucas 884 Sanford Avenue Irvington, NJ 07111 | Debtor | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*) _____ |
| Barbara Jean Lucas 884 Sanford Avenue Irvington, NJ 07111 | Debtor | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*) _____ |
| US Trustee US Department of Justice Office of the US Trustee One Newark Center, Suite 1401 Newark, NJ 07102 | U.S. Trustee | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*) _____ |